



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.09.2015

Coram

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. (MD) No.17597 of 2015

S.Seenivasa Raghavan

:Petitioner

vs.

1.The Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Represented by its Managing Director,
Bye-pass Road,
Madurai.

2.The Administrator,
The Tamil Nadu State Transport Corporation Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai - 600 002

: Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, directing the respondents to settle the retirement benefits of the petitioner including gratuity, Social Security Scheme Amount, commuted value of pension, leave salary and all other attendant benefits with interest at the rate of 18% per annum within the time that may be stipulated by this Court.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.A.Jeyaraman
Standing CounselO R D E R

This Writ Petition has been filed by S.Seenivasa Raghavan, who after serving in the 1st respondent Corporation, as Conductor, from 21.07.1993 had retired from service with effect from 31.05.2015, seeking a direction for disbursement of his retiral benefits including gratuity, social security scheme amount, commuted value of pension, leave salary and all other attendant benefits with interest at the rate of 18% per annum.

2. Mr.A.Jeyaraman, learned Standing Counsel takes notice for the respondents.

3. As the petitioner claims to have retired from service with effect from 31.05.2015, he has made a representation for disbursement of his retirement benefits including gratuity, social security scheme amount, commuted value of pension, leave salary and all other attendant benefits with interest at the rate of 18% per annum.

4. In similar circumstances, the Hon'ble Division Bench of this Court while disposing of the batch of writ appeals in W.A(MD)Nos.383 to 457 of 2015, by an order dated 12.06.2015 issued a direction to pay the retirement benefits by way of instalments. The relevant portion of the said judgment reads as follows:-

"2.The said statement is thus taken on records and the respondents will be bound by the same. We have to keep in mind the judicial pronouncement of the Honourable Supreme Court in D.D.TEWARI (D) THR. LRS. Vs. UTTAR HARYANA BIJLI VITRAN NIGAM LTD & ORS (2014 (9) SCALE - 78), wherein it is held that in case of any delay in making the payment of the instalments, the interest payable would become 18% p.a., for the delayed period apart from any other remedy which may be available to the appellants for non-compliance of undertaking given to this court.

3. The instalments to be paid from July 2015 and each instalments should be paid on or before 7th of each month."

5. The learned counsel appearing for the petitioner would submit that the petitioner's case may be considered in the light of the above said decision, since the issue involved in this writ petition has already been answered in the above said decision by the Hon'ble Division Bench of this Court.

6. Considering the facts and circumstances of the case and also considering the fact that the issue involved in this writ petition has already been answered by the Hon'ble Division Bench of this Court, the Writ Petition is disposed of in the light of the above said decision. Accordingly, the retirement benefits of the petitioner are directed to be settled by way of 12 equal instalments and the first instalments to be paid from November 2015 and each of the instalments should be paid on or before 7th of each month. No costs.

Sd/-

Assistant Registrar(Per.Admn)

/True Copy/

Sub Assistant Registrar.

To

- 1.The Managing Director,The Tamil Nadu State Transport Corporation (Madurai) Ltd., Bye-pass Road, Madurai.
- 2.The Administrator, The Tamil Nadu State Transport Corporation Pension Fund Trust, Thiruvalluvar House, Pallavan Salai, Chennai - 600 002

+1CC to Mr.A.Rahul, Advocate, SR.No. 57519
+1CC to Mr.A.Jeyaram,Advocate, SR.No. 57429.

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